

# Senate Study Bill 3084 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON SMITH)

## A BILL FOR

1 An Act providing for the personal importation of alcoholic  
2 liquor, wine, and beer, concerning criminal penalties for  
3 bootlegging, and including effective date and applicability  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 123.10, Code 2018, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 13. Providing for the issuance of a  
4 waiver for an individual of legal age desiring to import  
5 alcoholic liquor, wine, or beer in excess of the amount  
6 provided in section 123.22, 123.146, or 123.171, as applicable.  
7 The waiver shall be limited to those individuals who were  
8 domiciled outside the state within one year of the request  
9 for a waiver and shall provide that any alcoholic liquor,  
10 wine, or beer imported pursuant to the waiver shall be for  
11 personal consumption only in a private home or other private  
12 accommodation.

13 Sec. 2. Section 123.22, subsection 1, Code 2018, is amended  
14 to read as follows:

15 1. The division has the exclusive right of importation  
16 into the state of all forms of alcoholic liquor, except as  
17 otherwise provided in [this chapter](#), and a person shall not  
18 import alcoholic liquor, except that an individual of legal age  
19 may import and have in the individual's possession an amount  
20 of alcoholic liquor not exceeding ~~one liter or, in the case of~~  
21 ~~alcoholic liquor personally obtained outside the United States,~~  
22 ~~four~~ nine liters for personal consumption only in a private  
23 home or other private accommodation. A distillery shall not  
24 sell alcoholic liquor within the state to any person but only  
25 to the division, except as otherwise provided in [this chapter](#).  
26 This section vests in the division exclusive control within the  
27 state as purchaser of all alcoholic liquor sold by distilleries  
28 within the state or imported, except beer and wine, and except  
29 as otherwise provided in [this chapter](#). The division shall  
30 receive alcoholic liquor on a bailment system for resale by the  
31 division in the manner set forth in [this chapter](#). The division  
32 shall act as the sole wholesaler of alcoholic liquor to class  
33 "E" liquor control licensees.

34 Sec. 3. Section 123.59, Code 2018, is amended to read as  
35 follows:

1     **123.59 Bootlegging — penalties.**

2     1. Any person who, acting individually, or through another  
3 acting for the person, keeps or carries on the person, or  
4 in a vehicle, or leaves in a place for another to secure,  
5 any alcoholic liquor, wine, or beer, with intent to sell or  
6 dispense the liquor, wine, or beer, by gift or otherwise in  
7 violation of law, or who, within this state, in any manner,  
8 directly or indirectly, solicits, takes, or accepts an order  
9 for the purchase, sale, shipment, or delivery of alcoholic  
10 liquor, wine, or beer in violation of law, or aids in the  
11 delivery and distribution of alcoholic liquor, wine, or beer so  
12 ordered or shipped, or who in any manner procures for, sells,  
13 or gives alcoholic liquor, wine, or beer to a person under  
14 legal age, for any purpose except as authorized and permitted  
15 in **this chapter**, is a bootlegger and ~~subject to the general~~  
16 ~~penalties provided by this chapter.~~

17     2. Any person, except a person under legal age, who violates  
18 any of the provisions of this section shall be guilty of  
19 an aggravated misdemeanor. Any person under legal age who  
20 violates any of the provisions of this section shall be guilty  
21 of a serious misdemeanor.

22     Sec. 4. NEW SECTION.   **123.146 Importation of beer for**  
23 **personal use.**

24     Except as otherwise provided in this chapter, a person shall  
25 not import beer. However, an individual of legal age may  
26 import into the state without a certificate, permit, or license  
27 an amount of beer not to exceed four and one-half gallons  
28 per calendar month that the individual personally obtained  
29 outside the state or, in the case of beer personally obtained  
30 outside the United States, a quantity which does not exceed  
31 the amount allowed by federal law governing the importation  
32 of alcoholic beverages into the United States for personal  
33 consumption. Beer imported pursuant to this section shall be  
34 for personal consumption in a private home or other private  
35 accommodation and only if the beer is not sold, exchanged,

1 bartered, dispensed, or given in consideration of purchase for  
2 any property or services or in evasion of the requirements of  
3 this chapter.

4 Sec. 5. Section 123.171, Code 2018, is amended by adding the  
5 following new subsection:

6 NEW SUBSECTION. 3. Notwithstanding subsection 1, an  
7 individual of legal age may import into the state without a  
8 certificate, permit, or license an amount of wine not to exceed  
9 four and one-half liters per calendar month that the individual  
10 personally obtained outside the state or, in the case of wine  
11 personally obtained outside the United States, a quantity which  
12 does not exceed the amount allowed by federal law governing  
13 the importation of alcoholic beverages into the United States  
14 for personal consumption. Wine imported pursuant to this  
15 subsection shall be for personal consumption in a private home  
16 or other private accommodation and only if the wine is not  
17 sold, exchanged, bartered, dispensed, or given in consideration  
18 of purchase for any property or services or in evasion of the  
19 requirements of this chapter.

20 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate  
21 importance, takes effect upon enactment.

22 Sec. 7. APPLICABILITY. The section of this Act amending  
23 section 123.10 applies to requests for waivers made on or after  
24 June 1, 2018.

25 EXPLANATION

26 The inclusion of this explanation does not constitute agreement with  
27 the explanation's substance by the members of the general assembly.

28 This bill concerns the personal importation of alcoholic  
29 liquor, wine, and beer, and increases the criminal penalties  
30 for bootlegging.

31 Code section 123.10, is amended to authorize the  
32 administrator of the alcoholic beverages division to adopt  
33 rules providing for the issuance of a waiver to an individual  
34 desiring to import alcoholic liquor, wine, or beer in excess  
35 of the amount otherwise allowed by Code chapter 123, but only

1 if the individual was domiciled outside the state within one  
2 year of the request and if the alcoholic liquor, wine, or beer  
3 is to be used only for personal consumption. The bill provides  
4 that the amendment to this Code section applies to requests for  
5 waivers made on or after June 1, 2018.

6 Code section 123.59, concerning bootlegging, is amended to  
7 specifically provide for the criminal penalty applicable for  
8 a violation of the Code section. The bill provides that any  
9 person under legal age who violates any of the provisions of  
10 the Code section shall be guilty of a serious misdemeanor while  
11 any other person who violates the Code section shall be guilty  
12 of an aggravated misdemeanor. Under current law, the Code  
13 section makes a violation of the Code section subject to the  
14 general penalties provided by Code chapter 123. Pursuant to  
15 Code section 123.90, the criminal penalties applicable to a  
16 violation of the Code chapter provide that a person under legal  
17 age is guilty of a simple misdemeanor while any other person  
18 is guilty of a serious misdemeanor for a violation of the Code  
19 chapter. A serious misdemeanor is punishable by confinement  
20 for no more than one year and a fine of at least \$315 but not  
21 more than \$1,875, while an aggravated misdemeanor is punishable  
22 by confinement for no more than two years and a fine of at least  
23 \$625 but not more than \$6,250.

24 New Code section 123.146 allows an individual of legal age  
25 to personally obtain outside the state and import into the  
26 state for personal use a certain amount of beer without a  
27 certificate, permit, or license. The bill limits the amount of  
28 beer to be imported for personal use to an amount of beer not to  
29 exceed four and one-half gallons per calendar month or, in the  
30 case of beer personally obtained outside the United States, a  
31 quantity which does not exceed the amount allowed by federal  
32 law governing the importation of alcoholic beverages into the  
33 United States for personal consumption.

34 Code section 123.171 is amended to allow an individual of  
35 legal age to personally obtain outside the state and import

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1 into the state for personal use a certain amount of wine  
2 without a certificate, permit, or license. The bill limits the  
3 amount of wine to be imported for personal use to an amount of  
4 wine not to exceed four and one-half liters per calendar month  
5 or, in the case of wine personally obtained outside the United  
6 States, a quantity which does not exceed the amount allowed by  
7 federal law governing the importation of alcoholic beverages  
8 into the United States for personal consumption.  
9 The bill takes effect upon enactment.